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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. **MBI-0034 CIP**

First Inventor **JIANG, Cai-Zhong**

Title **METHODS FOR MODIFYING PLANT BIOMASS AND TOLERANCE TO ABIOTIC STRESS**

Express Mail Label No. **EL 889 523 626 US**

 PTO
19270
10/688824

092303

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- ☐ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages **113**]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **22**]
[Total Pages **4**]
 - ☐ Newly executed (original or copy)
 - ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- ☒ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - ☒ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☒ paper
 - ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☒ Other: **Petition For Submission of Color..... Photographs (4 pgs., in duplicate).....**

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: _____, see next page

Prior application information: Examiner: **C. E. Collins** Group Art Unit: **1638**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

(Insert Customer Number or Bar Code Label here)

or ☐ Correspondence address below

Name

PATENT TRADEMARK OFFICE

Address

City

Country

State

Telephone

Zip Code

Fax

Name (Print/Type)

Jeffrey M. Libby, Ph.D.

Registration No. (Attorney/Agent)

48,251

Signature

Date

Sept 23, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 1104.00

Complete if Known

Application Number	To Be Assigned
Filing Date	Herewith
First Named Inventor	JIANG, Cai-Zhong
Examiner Name	C. E. Collins
Group Art Unit	1638
Attorney Docket No.	MBI-0034 CIP

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50-1025
Deposit Account Name Mendel Biotechnology, Inc.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	750.00
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$) 750.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
21	-20** = 1	18.00	18.00
7	-3** = 4	84.00	336.00
Multiple Dependent		0.00	0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 354.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

Name (Print/Type)	Jeffrey M. Libby	Registration No. (Attorney/Agent)	48,251	Telephone	510-259-6138
Signature		Date	Sept. 23, 2003		

Complete (if applicable)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Continued From Page 1 of Utility Patent Application Transmittal

Prior applications:

US Non-Provisional Application No. 10/374,780, filed February 25, 2003;
US Provisional Application No. 60/227,439, filed August 22, 2000;
US Non-provisional Application No. 09/506,720, filed February 17, 2000;
US Provisional Application No. 60/310,847, filed August 9, 2001;
US Non-Provisional Application No. 10/412,699, filed April 10, 2003;
US Provisional Application No. 60/135,134, filed May 20, 1999;
US Non-Provisional Application No. 09/533,392, filed March 22, 2000;
US Non-Provisional Application No. 09/533,029, filed March 22, 2000;
US Non-Provisional Application No. 09/532,591, filed March 22, 2000;
US Provisional Application No. 60/125,814, filed March 23, 1999;
US Non-Provisional Application No. 09/713,994, filed November 16, 2000;
US Non-Provisional Application No. 09/996,140, filed November 26, 2001;
US Non-Provisional Application No. 09/823,676, filed April 2, 2001;
US Non-Provisional Application No. 10/421,138, filed April 23, 2003;
US Provisional Application No. 60/336,049, filed November 19, 2001;
US Non-Provisional Application No. 09/934,455, filed August 22, 2001;
US Non-Provisional Application No. 09/533,030, filed March 22, 2000;
US Non-Provisional Application No. 10/225,068, filed August 9, 2002;
US Non-Provisional Application No. 10/225,066, filed August 9, 2002;
US Non-Provisional Application No. 10/225,067, filed August 9, 2002;
US Provisional Application No. 60/338,692, filed December 11, 2001.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of : Jiang, Cai-Zhong, et al.

Title: **METHODS FOR MODIFYING PLANT BIOMASS AND TOLERANCE TO ABIOTIC STRESS**

Serial No.: TBA

Filing Date: Herewith

Examiner: TBA

Group Art Unit: TBA

Mail Stop Patent Application
Commissioner For Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

PETITION FOR INCLUSION OF COLOR PHOTOGRAPHS IN A UTILITY PATENT
APPLICATION PURSUANT TO 37 C.F.R. §1.84(B)(2)

Dear Sir:

This is a request under the provisions of 37 CFR 1.84(B)(2) to include at least three (3) color photograph(s) in the above-referenced utility patent application. Applicants herewith include for Figures 8A and 8B, which are incorporated onto a single page, three (3) sets of the color photographs.

Applicants have included the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.

Applicants respectfully submit that the inclusion of color photographs in the utility patent application is necessary for the following reasons.

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: EL 889 523 626 45

Date of Deposit: September 23, 2003

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office To Addressee" with sufficient postage on the date indicated above and is addressed to : Mail Stop Patent Application, Commissioner for Patents, Po Box 1450, Alexandria, VA 22313-1450

(Signature) _____

Kathleen K. Muto

(Printed Name) _____

KATHLEEN K. MUTO

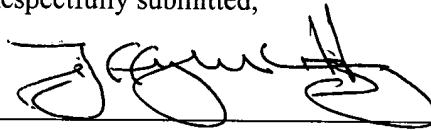
1) Monochrome photographs of Figures 8A and 8B do not clearly distinguish the cotyledons of developing seedlings from their background, and thus do not clearly show the full extent of increased cotyledon expansion in the overexpressing seedlings in Figure 8B, compared to the seedlings of wild-type in Figure 8A. Copies of Figures 8A and 8B in both monochrome and color are attached to underscore to this statement.

The Commissioner is hereby authorized to charge Mendel Biotechnology, Inc. Deposit Account No. 50-1025 the amount of \$130.00, the fee for such a petition as set forth under 37 C.F.R. §1.17(i), or charge the correct fee to said Deposit Account, as the Commissioner deems appropriate.

Respectfully submitted,

Date: September 23, 2003

By: _____



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MBI0034CIPPetColorPhotos.doc